

## REMARKS

The following remarks are submitted and favorable reconsideration in this application is respectfully requested. Claims 1-13, 15-30, 32 and 33 are pending and are respectfully submitted for consideration. Applicants wish to thank the Examiner for the reconsideration and the withdrawal of objection to Specification and the rejection of the claims under 35 U.S.C. §101. The Office Action also indicates that claims 6, 17 and 24 are objected to as being dependent on rejected base claims, but all contain allowable subject matter.

### Claim Rejection – 35 U.S.C. §103

The Examiner rejects claims 1-5, 7-13, 15, 16, 18-23, 25-30, 32 and 33 under 35 U.S.C. §103(a) as being unpatentable over *Powell* (U.S. Patent No. 6,195,590) in view of *Chapman* (U.S. Patent No. 5,128,860).

The Examiner contends that *Powell* discloses receiving item orders having completion dates, scheduling completion dates of each order item and comparing the scheduled completion dates with the requested completion dates. Thereafter, a measurement of earliness or lateness is derived based on time. It is acknowledged that *Powell* fails to disclose arranging the data into arrays and then manipulating the data to achieve the comparison and thus *Chapman* is also cited.

*Chapman* is directed to a method and system of allocating manufacturing or process resources having multiple constraints. A demand array is created that conveys the demanded items and the available resources are expressed in another array, where each array uses time and physical requirements or physical capacities as indices. The Office Action asserts, on page 5, line 2, that “the schedules are compared.”

However, Applicants have not found support for the last assertion about *Chapman*. Rather than comparing arrays, as is suggested in the Office Action, *Chapman* details, at column 9, lines 45-54, that “[w]hen the time ordered  $D_q$  and  $R_p$  vertex arrays are current, they are *combined and decremented* in planning module 44 to provide new proposed schedule 46 reflecting the newly accommodated demand.” (emphasis added) Thus, the process of “comparing the scheduled completion date of an item in the supply array with the requested completion date for the matched item in the demand array,” found in independent claims 1 and 19, is not taught in *Chapman*.

Similarly, Applicants respectfully assert that *Chapman* also fails to suggest the above-discussed elements of claims 1 and 19 since the processes in the present invention and *Chapman* are quite different. One purpose of the present invention is to provide a customer service measurement for each item order. By contrast, the purpose of *Chapman* is to revise a schedule for overall resource allocation. One of ordinary skill in the art would not have sought to make comparisons of order items with items in a demand array in view of *Chapman* because such a process is neither taught nor suggested by *Chapman*. As such, Applicants respectfully assert that the rejection of claims 1 and 19 is improper and should be withdrawn. The rejection of claims 2-5, 7-13, 15, 16, 18, 20-23, 25-30, 32 and 33 should likewise be withdrawn for at least the dependence of those claims on claims 1 and 19.

In addition, Applicants respectfully assert that there is no suggestion in the references or in the prior art to combine *Powell* and *Chapman*, as has been suggested in the Office Action. The system of *Powell* includes a computer server and many other computers are that are responsible for providing the delta values representing the impact on the final completion date. The system is necessarily distributed as disclosed and its ability to serve as an Enterprise-Wide

project management tool is emphasized. In contrast, the system in *Chapman* is central and relies on the serial entry of demand and schedule data. External resources may be connected to the central processing system, and their status may be fed back to the central processing system, but the system is not distributed in the way that *Powell* is distributed. Given these differences, Applicants respectfully assert that one of ordinary skill in the art would not have combined the systems as alleged in the Office Action. Additionally, it is not clear that the stated motivation, "to more efficiently allocate and schedule resources by arranging the data using means that allow quicker evaluation," can be achieved in the system of *Powell*, given the system described therein. For this additional reason, Applicants respectfully assert that the rejection is improper and should be withdrawn.

In view of the above, Applicants believe the application is in condition for allowance. Prompt and favorable treatment is respectfully solicited.

In the event there are any questions relating to this Amendment or to the application in general, it would be appreciated if the Examiner would telephone the undersigned attorney concerning such questions so that the prosecution of this application may be expedited.

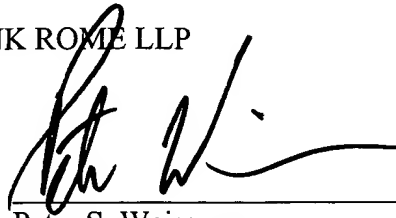
Please charge any shortage or credit any overpayment of fees to BLANK ROME LLP, Deposit Account No. 23-2185 (119645.00102.11). In the event that a petition for an extension of time is required to be submitted herewith and in the event that a separate petition does not

accompany this response, Applicant hereby petitions under 37 CFR 1.136(a) for an extension of time for as many months as are required to render this submission timely. Any fee due is authorized above.

Respectfully submitted,

BLANK ROME LLP

By:



Peter S. Weissman  
Reg. No. 40,220

600 New Hampshire Ave., N.W.  
Washington, D.C. 20037  
Telephone: (202) 944-3000  
Atty. Docket No.: 115471-00102.11  
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